

Amend CSHB 2154 (Senate committee printing) by striking SECTIONS 10 through 15 of the bill (page 3, line 32 through page 5, line 16), substituting the following appropriately numbered SECTIONS, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 155.001, Tax Code, is amended by adding Subdivisions (1-a) and (10-a) and redesignating Subdivision (1) as Subdivision (1-b) to read as follows:

(1-a) "Affiliate" means a person who, because of stock ownership, a contract, or otherwise, controls, is controlled by, or is under common control with another person.

(1-b) [~~1~~] "Bonded agent" means a person in this state who is an agent of a person outside this state and receives cigars and tobacco products in interstate commerce and stores the cigars and tobacco products for distribution or delivery to distributors under orders from the person outside this state.

(10-a) "Manufacturer's list price" means the price reported monthly by a manufacturer to the comptroller as required under Section 155.103(a)(4), which must be the highest gross price at which a unit of a product is offered for purchase by the manufacturer to distributors in this state that are not affiliates of the manufacturer, inclusive of all delivery, destination, and other charges of any kind that are assessed based on the number of units sold. A sales price that is less than the manufacturer's list price is assumed to include a trade discount, special discount, or deal.

SECTION __. Section 155.0211(b), Tax Code, is amended to read as follows:

(b) The tax rate for tobacco products other than cigars is 75 [~~40~~] percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal.